

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. WRU-02-11-272
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**ORDER REQUIRING ADDITIONAL INFORMATION AND
GRANTING REQUEST FOR CONFIDENTIALITY**

(Issued April 5, 2002)

On March 26, 2002, Qwest Corporation (Qwest) filed with the Utilities Board (Board) a request for a waiver of certain unspecified rules of the Federal Communications Commission (FCC). Qwest requests a waiver of utilization threshold requirements outlined in some FCC orders relating to optimization of telephone numbering resources. Qwest states it received a customer request for 700 numbers in sequence in the Cedar Falls wire center, which Qwest states it cannot provide without a new block of 10,000 numbers, sometimes referred to as a new NXX. Qwest submitted a request for a new NXX to NeuStar, Inc. (NeuStar), the North American Numbering Plan Administrator (NANPA), on March 25, 2002, but Qwest anticipates the request will be denied because Qwest does not meet the "months-to-exhaust" threshold for the Cedar Falls rate center.

Also on March 26, 2002, Qwest filed an application with the Board requesting an order granting confidential treatment for information submitted in support of Qwest's waiver request. The information includes a letter from the customer to Qwest requesting the numbering resources (Attachment A) and Qwest's application to NANPA for additional numbering resources (Attachment B). Qwest supports its

request with an affidavit by a corporate officer, stating that the information constitutes confidential trade secrets under Iowa Code § 550.2(4). Qwest cites Iowa Code § 22.7(6) as authority for confidential treatment of the information.

Iowa Code § 22.7(6) provides for confidential treatment of public records that are reports to government agencies and which, if released, would give advantage to competitors and would serve no public purpose. The Board finds that the application and affidavit support a finding that the financial information, if released, would provide an advantage to Qwest competitors. In addition, the Board finds that the release of the information would serve no public purpose. The Board also finds the information satisfies the definition of a trade secret as found in Iowa Code § 550.2(4). Therefore, the information will not be released as a public record except as provided in 199 IAC 1.9(8)"b"(3).

In its waiver request, Qwest asserts that the FCC's third Report and Order, delegates authority to the state commissions to hear waiver requests regarding numbering resources. (FCC 01-362, ¶ 61). When reviewing these requests, the FCC requires the state commissions "take into consideration the extent to which the carrier has used available numbering resource optimization strategies, including intra-company porting." (FCC 01-362, ¶ 62). The FCC specifically places the burden on the carrier requesting the waiver to demonstrate that deviation from the growth requirements is warranted. (Id.).

In addition, in paragraph 63 of the FCC's Third Report and Order, the FCC allows states to grant waiver requests to carriers that demonstrate the following:

- 1) The carrier will exhaust its numbering resources in a market or rate area within three months (in lieu of the 6 months-to-exhaust requirement);
- 2) Projected growth is based on the carrier's actual growth in the market or rate area, or on the carrier's actual growth in a reasonably comparable market, but only if that projected growth varies no more than 15 percent from historical growth in the relevant market.

The FCC also provides states the ability to grant waiver requests if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. (FCC 01-362, ¶ 64). The FCC states that carriers may demonstrate such a need by providing the state with the documentation of the customer request and current proof of utilization in the rate center. (Id.). In addition, the FCC is careful to point out that states may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. Therefore, a statement by the carrier regarding the types of numbers being requested is necessary.

The Board finds that Qwest's request for waiver is incomplete and does not provide all of the information the FCC requires the Board to consider before exercising its delegated authority and ruling upon a request for a waiver of the FCC's utilization threshold requirements. Accordingly, the Board will direct Qwest to file additional information sufficient to satisfy all requirements specified in the FCC's orders delegating authority to the Board, before the Board will act upon Qwest's request for waiver.

The Board recognizes that the FCC has also directed states to act on a carrier's waiver request as expeditiously as possible and recommends an action on the request within ten business days from the Board's receipt of a sufficiently detailed and complete request. (FCC 01-362, ¶ 66). Upon the Board's receipt of a sufficiently complete waiver request submitted by Qwest, the Board will act on the request as expeditiously as possible.

IT IS THEREFORE ORDERED:

1. The request for waiver of the FCC's utilization threshold requirements filed by Qwest Corporation on March 26, 2002, is incomplete. Qwest Corporation shall complete its request for waiver by filing the additional information outlined in the body of this order.
2. The request for confidential treatment filed by Qwest Corporation on March 26, 2002, is granted pursuant to Iowa Code §§ 550.2(4) and 22.7(6).
3. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5th day of April, 2002.